

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

MARK HOFFMAN, on his own behalf and
on behalf of other similarly situated persons,

Plaintiff,

v.

ONE TECHNOLOGIES, LP,

Defendant.

Case No. 2:16-cv-01006-RSL

**STIPULATION AND ORDER AMENDING
CASE SCHEDULE (FIRST REQUEST)**

NOTE FOR CONSIDERATION ON
AUGUST 25, 2017

By and through their counsel of record, the parties seek the Court's approval of the stipulation amending the case schedule as submitted below.

STIPULATION

A. Procedural Background

Defendant removed Plaintiff's putative class action complaint to this Court on June 28, 2016.¹ *See* Dkt. #1. On July 25, 2016, Defendant moved to dismiss for failure to state a claim and for other relief. *See* Dkt. #13. On July 28, 2016, Plaintiff moved to remand. *See* Dkt. #15. The Court issued its first and current scheduling order on August 29, 2016. *See* Dkt. #20.

¹ Because removal occurred before Plaintiff filed the new, amended complaint in state court, the parties subsequently stipulated and the Court thereby ordered that it would be retroactively deemed filed in state court prior to removal. *See* Dkt. #8.

On October 26, 2016, the Court denied Plaintiff's motion to remand. *See* Dkt. #24. The Court denied Defendant's motion to dismiss on January 17, 2017. *See* Dkt. #24. Defendant subsequently filed its answer to Plaintiff's amended complaint on February 26, 2017. *See* Dkt. #26. Thus, the claims and defenses genuinely in dispute in this case were identified and put at issue only six months ago.

B. The Current Case Schedule

The Court issued an Order Setting Trial and Related Dates (Dkt. #20) which set certain dates and deadlines for this case as follows:

Motion for class certification due and noted on the Court's calendar for the fifth Friday thereafter	September 07, 2017
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Deadline for amending pleadings	October 7, 2017
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Reports from expert witnesses under FRCP 26(a)(2) due	December 6, 2017
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All motions related to discovery must be noted on the motion calendar no later than the Friday before discovery closes pursuant to LCR 7(d) or LCR 37(a)(2)

Settlement conference held no later than	January 19, 2018
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Discovery completed by	February 4, 2018
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All dispositive motions must be filed by and noted on the motion calendar no later than the fourth Friday thereafter (see LCR 7(d)(3))	March 6, 2018
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All motions in limine must be filed by and noted on the motion calendar no earlier than the second Friday thereafter. Replies will be accepted.	April 15, 2018
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Agreed pretrial order due	May 3, 2018
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Pretrial conference to be scheduled by the Court

Trial briefs, proposed voir dire questions, proposed jury instructions, and trial exhibits due	May 30, 2018
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Trial:	June 4, 2018.
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C. Background on Discovery

The claims and defenses genuinely in dispute in this case for discovery purposes were identified and put at issue when Defendant filed its answer on February 26, 2017. In that context,

1 Plaintiff subsequently served sets of production requests and interrogatories on March 14, 2017.
2 For good causes, including but not limited to Defendant and its counsel needing additional time
3 to obtain, evaluate, and prepare potentially responsive information and documents, Defendant
4 asked for multiple extensions of time to respond. Because of the good causes articulated by
5 Defendant, and to avoid avoidable potentially protracted motion practice, Plaintiff agreed to the
6 extensions. Defendant served its discovery responses on June 28, 2017. Defendant also served
7 documents in response to the production requests in a series of productions, the last of which was
8 on August 18, 2017.

9 On May 2, 2017, Defendant served Plaintiff with sets of requests for admissions,
10 interrogatories, and production requests. For good causes, including but not limited to Plaintiff
11 and its counsel needing additional time to obtain, evaluate, and prepare potentially responsive
12 information and documents, Plaintiff asked for multiple extensions of time to respond. Because
13 of the good causes articulated by Plaintiff, and to avoid avoidable potentially protracted motion
14 practice, Defendant agreed to the extensions. Plaintiff served its responses to the requests for
15 admissions on August 18, 2017. Plaintiff will be serving responses to Defendant's
16 interrogatories and production requests on August 25, 2017 together with production of
17 documents in response.

18 In an effort to resolve potential discovery disputes identified by both parties, the parties
19 are preparing to meet and confer soon in a meaningful manner. Plaintiff's recent responses to
20 requests for admission have also identified further discovery that Defendant needs to obtain, and
21 Defendant will be serving an additional set of written discovery on Plaintiff in the coming days.

22 Meanwhile, the parties have begun to schedule depositions, the first of which is expected
23 to occur in September. At this time, Plaintiff anticipates taking at least two or three depositions
24 of Defendant and its personnel. Additionally, based upon disclosures by Defendant, Plaintiff will
25 be serving deposition subpoenas on at least seven third-parties who have been identified as
26 possibly having some involvement in or knowledge of the transmission of emails that are a
27 material subject matter of Plaintiff's complaint. Defendant likewise plans to take a deposition of

1 Plaintiff and likely third parties. However, the extent of Defendant's additional discovery is
2 contingent on its evaluation of Plaintiff's discovery responses, which it has not had adequate
3 opportunity to do.

4 **D. Stipulated Requests**

5 The local civil rules state, "The judges of this district are committed to assisting the bar
6 and litigants to reduce costs in civil cases. It is the obligation of all counsel, as officers of the
7 court, to work toward the prompt completion of each case and to minimize the costs of
8 discovery." *See* Local Rules W.D. Wash LCR, Introduction. At all phases of this case, the parties
9 have worked together in the spirit of this rule to balance the interest of a prompt resolution of the
10 case together with the need to minimize the costs of discovery. Likewise under the aegis of this
11 rule, the parties now stipulate to and request amendments to the current case schedule as follows:

Motion for class certification due and noted on the Court's calendar for the fifth Friday thereafter	March 8, 2018
Deadline for amending pleadings	April 6, 2018
Reports from expert witnesses under FRCP 26(a)(2) due	June 6, 2018
All motions related to discovery must be noted on the motion calendar no later than the Friday before discovery closes pursuant to LCR 7(d) or LCR 37(a)(2)	
Settlement conference held no later than	July 25, 2018
Discovery completed by	August 3, 2018
All dispositive motions must be filed by and noted on the motion calendar no later than the fourth Friday thereafter (see LCR 7(d)(3))	September 6, 2018
All motions in limine must be filed by and noted on the motion calendar no earlier than the second Friday thereafter. Replies will be accepted.	October 15, 2018
Agreed pretrial order due	November 2, 2018
Pretrial conference to be scheduled by the Court	
Trial briefs, proposed voir dire questions, proposed jury instructions, and trial exhibits due	November 30, 2018
Trial:	December 3, 2018.

1 The parties also stipulate and request that Plaintiff's pending Motion for Relief from
2 Deadlines and New Case Schedule (Dkt. #31) should be withdrawn and stricken as being now
3 moot.

4 RESPECTFULLY SUBMITTED: August 25, 2017

5 /s/ Albert H. Kirby

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21 Attorneys for Defendant

ORDER

IT SO ORDERED. The Court adopts the parties' stipulation.

1. The case schedule is amended as follows:

Motion for class certification due and noted on the Court's
calendar for the fifth Friday thereafter March 8, 2018

Deadline for amending pleadings April 6, 2018

Reports from expert witnesses under FRCP 26(a)(2) due June 6, 2018

All motions related to discovery must be noted on the motion calendar no later than
the Friday before discovery closes pursuant to LCR 7(d) or LCR 37(a)(2)

Settlement conference held no later than July 25, 2018

Discovery completed by August 3, 2018

All dispositive motions must be filed by and noted on the motion
calendar no later than the fourth Friday thereafter
(see LCR 7(d)(3)) September 6, 2018

All motions in limine must be filed by and noted on the motion
calendar no earlier than the second Friday thereafter. Replies
will be accepted. October 15, 2018

Agreed pretrial order due November 2, 2018

Pretrial conference to be scheduled by the Court

Trial briefs, proposed voir dire questions, proposed jury
instructions, and trial exhibits due November 30, 2018

Trial: December 3, 2018.

2. Plaintiff's pending Motion for Relief from Deadlines and New Case Schedule (Dkt. #31)
is stricken as being now moot.

Dated this 29th day of August, 2017.



Robert S. Lasnik
United States District Judge